

Erick J. Haynie, OSB No. 982482  
EHaynie@perkinscoie.com  
Gabrielle D. Richards, OSB No. 114992  
GRichards@perkinscoie.com  
PERKINS COIE LLP  
1120 N.W. Couch Street, Tenth Floor  
Portland, OR 97209-4128  
Telephone: 503.727.2000  
Facsimile: 503.727.2222

Attorneys for Plaintiff  
LNV Corporation

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

LNV CORPORATION, a Nevada  
corporation,

Plaintiff,

v.

DENISE SUBRAMANIAM,

Defendant.

Case No. 3:14-cv-01836-MO

PLAINTIFF'S OBJECTION  
TO AFFIDAVIT OF JOANN BREITLING  
IN SUPPORT OF DEFENDANT'S  
OBJECTION TO PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT

Plaintiff LNV Corporation ("LNV") hereby objects to the Affidavit of JoAnn Breitling (the "Affidavit") filed in support of Defendant's Objection to LNV's Motion for Summary Judgment. For the reasons set forth below, the Affidavit should not be considered by the Court.

**DISCUSSION**

The Affidavit is not relevant to this case. The Affidavit was created by JoAnn Breitling, a party to a foreclosure case in Texas. The Affidavit focuses exclusively on alleged issues with Ms. Breitling's loan servicer. During the status conference on July 8, the Court was very clear

1- PLAINTIFF'S OBJECTION TO AFFIDAVIT OF JOANN  
BREITLING IN SUPPORT OF DEFENDANT'S OBJECTION  
TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

79707-0017/127874914.1

**Perkins Coie LLP**  
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about the type of evidence it would accept in support of Defendant's opposition to LNV's motion for summary judgment and the type of evidence it would not:

Now let me just give you a brief explanation of what I want from you when you respond. Their basic theory is that you're in default on the note, and so there is one obvious thing you can try to show, and that's that you are not in default on the note, that you've made payments. The other thing that I think you're telling me you want to try to do is you want to try to show that their right to foreclose somehow doesn't really exist. So you just tell me why you think they're not entitled to foreclose. Either they don't really have a note, it's bogus, or that some transfer somewhere along the way didn't really happen. What won't help you at all — I'll just ignore it — is just information about why you think this is a bad company or they're bad people. ... So you just have to tell me whether you're paying the note or not and whether the note — whether they really have the right to foreclose.

(Dkt. 92-1, Transcript of Proceedings, at 19:25-20:17.) The Affidavit is not relevant to either of those two issues, *i.e.* whether Defendant is in default or whether LNV is entitled to foreclose. In fact, the Affidavit is replete with information that the Court specifically said it did not want to hear. For example, the Affidavit alleges that an LNV attorney in Ms. Breitling's case "colluded and conspired" with a Texas judge "to interfere with our civil rights and prevent us from presenting a case to the jury." (Dkt. 96, at 4.) Whatever allegedly happened or did not happen in Ms. Breitling's Texas case is in no way relevant to the matter before this Court.

DATED: September 15, 2015

**PERKINS COIE LLP**

By: s/ Gabrielle D. Richards

**Erick J. Haynie**, OSB No. 982482

EHaynie@perkinscoie.com

**Gabrielle D. Richards**, OSB No. 114992

GRichards@perkinscoie.com

1120 N.W. Couch Street, Tenth Floor

Portland, OR 97209-4128

Telephone: 503.727.2000

Facsimile: 503.727.2222

2- PLAINTIFF'S OBJECTION TO AFFIDAVIT OF JOANN  
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TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

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**CERTIFICATE OF SERVICE**

I certify that I served the foregoing PLAINTIFF'S OBJECTION TO AFFIDAVIT OF JOANN BREITLING IN SUPPORT OF DEFENDANT'S OBJECTION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT on defendant Denise Subramaniam at 13865 SW Walker Rd., Beaverton, OR 97005 by depositing a copy in the U.S. Mail in a sealed postage-prepaid envelope and deposited with the United States Postal Service at Portland, Oregon on the date set forth below.

DATED: September 15, 2015

s/ Gabrielle D. Richards

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Gabrielle D. Richards, OSB No. 114992  
GRichards@perkinscoie.com

Attorneys for Plaintiff  
LNV Corporation